

**PHARMACY EXAMINING BOARD
APRIL 12, 2006
MEETING MINUTES**

PRESENT: Michael Bettiga, R.Ph.; Fred Moskol, R.Ph.; Charlotte Rasmussen; Jeanne M. Severson R.Ph.; Rich Verschay, R.Ph.; Gregory C. Weber, R.Ph.

ABSENT: Suzette Renwick

STAFF: Tom Ryan, Bureau Director; William Black, Legal Counsel; PJ Monson, Bureau Assistant; and other DRL Staff

GUESTS: Nicole Martin, Walgreens; Kurt Holm, Morton Pharmacy; Beth Martin, UW School of Pharmacy; Aaron Bailey, Creighton U. Pharmacy; Gina Besteman, Women's International Pharmacy; John Mattern and Mary Swandby, Chartwell Midwest Wisconsin; Jamie Statz Paynter, Dean Pharmacy; Justin Feldmeier and Stephanie Zorm, UW SOP student; Darrin Wirkes and Jack Monroe, Target; Jeremy Levin, WI Medical Society; Tom Engels, PSW

CALL TO ORDER

Chair, Michael Bettiga, called the meeting to order at 9:05 a.m. A quorum of six was confirmed.

APPROVAL OF AGENDA

Additions:

- Before Item "E" – notice of Department of Health & Human Services (DHHS) proposed rule making regarding the National Practitioners Databank (NPDB)
- Item "E" – Review and Approval of Out of State License Application Provision 2005 Wis Act 242
- Item "E" – April 2006 summary reports on pending court cases, disciplinary cases, administrative rules and legislation
- Item "E" – 2005 Wisconsin Act 187
- Item "E" – 2005 Wisconsin Act 195
- Item "E" – 2005 Wisconsin Act 196
- Item "E" – 2005 Wisconsin Act 242
- Item "E" – 2005 Wisconsin Act 262
- Item "E" – Co-sponsorship of LRB-4827, regarding Epilepsy Medications from State Representative Terry Musser
- Between Item "I & J" – Request for variance for the three Quad/Med Pharmacies from Patrick Ross, R.Ph.
- Between Item "I & J" – Request for variance for Roundy's Supermarkets, Inc., from Douglas A. Berry, R.Ph.
- Item "Q" – Pharmacy Examining Board roster
- Item "R" – replacement for page 295
- After Item "AA" – DOE case status reports

MOTION: Jeanne Severson moved, seconded by Fred Moskol, to approve the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes:

- Change Jeannette to Jeanne Severson in closed session
- Consultation work group – remove the word Medical with regard to the School of Pharmacy.

MOTION: Charlotte Rasmussen moved, seconded by Fred Moskol, to approve the February 8, 2006 minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

JOANN REICH, R.PH.

Attorney Michael Berndt, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Joann Reich, R.Ph.

ELIZABETH LEMKE, R.PH.

Attorney Michael Berndt, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Elizabeth Lemke, R.Ph.

MARTHA LUBER PELRINE, R.PH.

Attorney Michael Berndt, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Martha Luber Pelrine, R.Ph.

MT. HOREB PHARMACY, KAREN L. ROBY, R.Ph., AND LAURIE VOGT, R.Ph.

Steve Engelbrecht, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Mt. Horeb Pharmacy, Karen L. Roby, R.Ph., and Laurie Vogt, R.Ph.

ADMINISTRATIVE REPORT

DRL Staff changes

Tom Ryan addressed the Board regarding the most recent staff changes, including the resignation of Deputy Secretary Rowe.

New Board Member Orientation – March 17, 2006

Tom Ryan informed the Board of the success of the Board member orientation.

**MPJE ITEM WRITING WORKSHOP – MAY 19-21
BOARD DESIGNATION OF REPRESENTATIVE**

MOTION: Fred Moskol moved, seconded by Rich Verschay, to approve travel for Jeanne Severson to attend the MPJE Workshop. Motion carried unanimously.

APPOINTMENT OF INSPECTION LIAISON

MOTION: Rich Verschay moved, seconded by Jeanne Severson, to appoint Michael Bettiga as the Inspection Liaison. Motion carried unanimously.

REGULATORY DIGEST/WEB POSTING(S) – POSSIBLE TOPICS

Jeanne Severson requested topics for the regulatory digest from the Board members. Possible publications schedules were discussed.

NABP Annual Meeting Report

Jeanne Severson attended the NABP annual meeting held in San Francisco. There was lengthy discussion about methamphetamine laws, disaster preparedness and the elections of NABP officers took place.

Travel requests received in the Bureau after mailing of agenda

None.

CONSULTATION SUBCOMMITTEE REPORT

Fred Moskol conveyed the recommendations of the Consultation Subcommittee to the Board and introduced Beth Martin, UW School of Pharmacy. The Case Development Committee will include two Pharmacy Examining Board (PEB) members. Beth Martin will Chair the committee.

MOTION: Fred Moskol moved, seconded by Rich Verschay, to approve the Pharmacy Examining Board Pharmacist Consultation Examination Proposal and Memorandum of Understanding as amended. Motion carried unanimously.

MOTION: Fred Moskol moved, seconded by Greg Weber, to dissolve the current Consultation Subcommittee. Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to appoint Fred Moskol and Greg Weber to the Case Development Committee. Motion carried unanimously.

Michael Bettiga thanked the subcommittee and all involved in the creation of this proposal.

Consultations on refill prescriptions

Michael Bettiga brought the discussion of mandatory consultation on prescription refills to the Board. The Board members, by consensus, agreed this is an important part of Pharmacy and no changes will be pursued.

MOTION: Fred Moskol moved, seconded by Greg Weber, to reaffirm the mandatory consultation on initial prescriptions and refills. Motion carried unanimously.

Planning for June 2006 Examination

Darwin Tichenor, Office of Examinations, joined the meeting to discuss the June examination, which will be held at the Rodeway Inn. An estimated 22 - 24 examiners will be needed.

Writing of new scenarios for 2006 examinations

Darwin Tichenor stated that the scenarios have been sent out to be written and he will keep the Board apprised of progress.

National Practitioners Databank Proposed Rule Change

William Black briefly discussed the DHHS proposed rule relating to the NPDB.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Controlled Substances theft and loss reporting rule

William Black explained the proposed changes to the theft and loss reporting rule.

MOTION: Rich Verschay moved, seconded by Greg Weber, to approve and move forward with Phar. 8.02 to the clearinghouse. Motion carried unanimously.

Legislative Liaison Report

Greg Weber updated the Board on the following issues.

- **2005 Assembly Bill 258, relating to prescription drug labels (Act 195)**
Signed and effective April 8

- **2005 Assembly Bill 722, relating to the licensure of pharmacies located outside the state and providing a penalty (Act 242)**

Signed and effective April 13

- **2005 Assembly Bill 683, relating to authorizing medically-related acts to nurse practitioners - (Act 187)**

Signed and effective April 7

- **2005 Senate Bill 405, relating to emergency pharmacy re-location (Act 270)**

Signed and effective April 20

- **2005 Senate Bill 652, relating to pseudoephedrine regulation changes (Act 262)**

Signed and effective April 20

- **LRB 3021/P1, relating to drug pedigrees and wholesale distributors – status**

The Liaison will continue to keep the Board informed as to the most current activity.

- **Assembly Bill 269, relating to Prescription Drug Labels – Symptom on Label (Act 196)**

Signed and effective October 1, 2006

- **LRB-4827, relating to Epilepsy Medications**

The Liaison will continue to keep the Board informed as to the most current activity.

- **Assembly Bill 1067, relating to payments and gifts to healthcare providers**

The Liaison will continue to keep the Board informed as to the most current activity.

MOTION: Jeanne Severson moved, seconded by Greg Weber, to authorize Fred Moskol to open discussion with Representative Musser regarding LRB-4827. Motion carried unanimously.

MOTION: Rich Verschay moved, seconded by Jeanne Severson, to appoint the Licensing Liaison as the interim Disaster Liaison with regard to Act 270. Motion carried unanimously.

Review and approval of out of state license application provisions – 2005 Wisconsin Act 242

Kris Hendrickson, Division of Professional Credential Processing, joined the meeting to discuss the Out of State Pharmacy License Application.

MOTION: Rich Verschay moved, seconded by Greg Weber, to approve the Out of State Pharmacy License Application. Motion carried unanimously.

COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005

William Black addressed the Board with current information on this act.

VARIANCE REQUEST

MORTON PHARMACY KURT S. HOLM, R.PH. - NEENAH

Kurt S. Holm, R.Ph. appeared before the Board to answer questions.

MOTION: Fred Moskol moved, seconded by Rich Verschay, to deny the request for a delivery variance for Morton Pharmacy to a physician clinic, Kurt S. Holm, R.Ph. Motion carried unanimously.

AURORA PHARMACY MICHAEL J. BOHRNSTEDT – OSHKOSH

Michael J. Bohrnstedt appeared before the Board to answer questions.

MOTION: Rich Verschay moved, seconded by Jeanne Severson, to deny the request for a delivery variance for Aurora Pharmacy to a truck stop clinic, Michael J. Bohrnstedt. Motion carried unanimously. Greg Weber abstained.

COMMUNITY PHARMACY ROBERT UMHOEFER, R.PH. – RACINE

MOTION: Charlotte Rasmussen moved, seconded by Fred Moskol, to allow Community Pharmacy, Robert Umhoefer, R.Ph., to continue with the current delivery variance. Motion carried unanimously.

QUAD/MED PHARMACIES PATRICK ROSS, R.PH. – SUSSEX, LOMIRA, WEST ALLIS

MOTION: Greg Weber moved, seconded by Fred Moskol, to conditionally approve unlimited electronic prescription order transfers for Quad/Med Pharmacies, Patrick Ross, R.Ph., following verification by legal counsel of the use of a real time common central processing unit. Motion carried unanimously.

ROUNDY'S SUPERMARKETS DOUGLAS A. BERRY, R.PH. – MILWAUKEE

MOTION: Charlotte Rasmussen moved, seconded by Rich Verschay, to approve the variance extension of one year for Roundy's Supermarkets, Douglas A. Berry, R.Ph. Motion carried unanimously.

DEA DRUG THEFT AND LOSS REPORTS

Noted.

ELECTRONIC SIGNATURES ON HARD COPY PRESCRIPTION ORDERS

The Board discussed its views relating to offering electronic signatures for prescriptions transmitted manually. Tom Ryan will send this topic to the Medical Examining Board for its consideration.

DEPARTMENT OF HEALTH AND FAMILY SERVICES CHAPTER 157 REVISIONS

William Black addressed the Board regarding the revisions to chapter 157.

HOSPITAL DISASTER PREPAREDNESS – INTERIM PHARMACEUTICAL STOCKPILE

William Black explained this is a Federal initiative for states to prepare for hospital disasters.

MOTION: Charlotte Rasmussen moved, seconded by Rich Verschay, to have William Black reply to Dennis J. Tomczyk stating this is a Medical Examining Board issue under the physician dispensing model and the PEB approves its content. Motion carried unanimously.

PRACTICE QUESTION(S)

THERAPEUTIC SUBSTITUTION USING A PHYSICIAN AUTHORIZATION LETTER – CHARLIE DELL - CONSULTANT PHARM. D. – PHOENIX, AZ

William Black will respond to Charlie Dell and bring the topic of physician authorization letters back to a future Board meeting for further discussion.

PHARMACY LICENSING AND PRACTICE RULES INTERPRETATION – MARY SWANDBY, R.PH. – CHARTWELL MIDWEST WISCONSIN – MIDDLETON, WI

William Black addressed the Board regarding the Chartwell practice question and will respond. Mary Swandby, R.Ph. joined the discussion.

WAL-MART AND SAM'S CLUB PHARMACY USE OF CENTRAL DATABASE

MOTION: Fred Moskol moved, seconded by Jeanne Severson, to approve the use of the Central Database for Wal-Mart and Sam's Club Pharmacies. Motion carried unanimously.

Licensing Liaison Report

None.

Pharmacy Forum Meeting report

Noted.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Greg Weber moved, seconded by Charlotte Rasmussen, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1)(a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Michael Bettiga-yes; Fred Moskol-yes; Charlotte Rasmussen-yes; Jeanne M. Severson-yes; Rich Verschay-yes; Gregory C. Weber-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:28 p.m.

RECONVENE TO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN CLOSED SESSION

MOTION: Fred Moskol moved, seconded by Rich Verschay, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:56 p.m.

DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS

JOANN REICH, R.PH.

MOTION: Fred Moskol moved, seconded by Rich Verschay, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Joann Reich, R.Ph. Motion carried unanimously.

ELIZABETH LEMKE, R.PH.

MOTION: Fred Moskol moved, seconded by Greg Weber, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Elizabeth Lemke, R.Ph. Motion carried unanimously. Jeanne Severson and Michael Bettiga abstained.

MARTHA LUBER PELRINE, R.PH.

MOTION: Rich Verschay moved, seconded by Charlotte Rasmussen, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Martha Luber Pelrine, R.Ph. Motion carried unanimously. Greg Weber abstained.

**MT. HOREB PHARMACY
KAREN L. ROBY, R.Ph., AND LAURIE VOGT, R.PH.**

MOTION: Jeanne Severson moved, seconded by Rich Verschay, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Mt. Horeb Pharmacy. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Rich Verschay, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Karen L. Roby, R.Ph. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Rich Verschay, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Laurie Vogt, R.Ph. Motion carried unanimously.

CASE CLOSINGS

03 PHM 014

MOTION: Charlotte Rasmussen moved, seconded by Rich Verschay, to close case 03 PHM 014 for prosecutorial discretion (P1). Motion carried unanimously.

04 PHM 017

MOTION: Rich Verschay moved, seconded by Fred Moskol, to close case 04 PHM 017 for no violation. Motion carried unanimously.

DOE MONITORING

MICHAEL O'KRAY, R.PH.

MOTION: Fred Moskol moved, seconded by Charlotte Rasmussen, to grant a three month stay and allow open and close for Michael O'Kray, R.Ph. Motion carried unanimously.

WILL KARWOSKI, R.PH.

MOTION: Jeanne Severson moved, seconded by Rich Verschay, to grant a three month stay and deny modifications for Will Karwoski, R.Ph. Motion carried unanimously. Greg Weber abstained.

GREGORY TECHE, R.PH.

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to grant a three month stay and deny modifications for Gregory Teche, R.Ph. Motion carried unanimously.

CHARLENE WILLIS, R.PH.

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to grant a three month stay and deny modifications for Charlene Willis, R.Ph. Motion carried unanimously.

VALIDATION OF EXAM SCORES

MOTION: Rich Verschay moved, seconded by Greg Weber, to validate the exam scores of April 11, 2006. Motion carried unanimously.

ADJOURNMENT

MOTION: Fred Moskol moved, seconded by Rich Verschay, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:00 p.m.

Next Meeting: June 22, 2006